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Access to Independence and Mobility

February 18, 1997

Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554
Re: MM Docket No. 95-176

Dear Sirs:

I am a person with a disability who works as a Legislative Specialist at an Independent Living Center and for that reason I would like to offer some comments on this document.

One opening comment. Advocates, when speaking about accessibility issues, often state that "it benefits everyone." Recently there was an article in the paper about how hearing patrons of sports bars read the closed captioning on ESPN and other sports stations to follow the action over the noise in the bar.

On page 5 you raise the issue of responsibility for compliance. We believe that joint responsibility is usually best. In the example here producers and providers should share responsibility.

Concerning the transition schedule, we certainly reject the proposal to increase to ten years on new programming. Could the eight years be reduced? Perhaps 1/3 after two years, 2/3 after four years and 100% after six years on new programming. As advocates we certainly want as short a transition period as possible.

There should be a required percentage of library programming captioned by a set date. Exemptions to all parts of the Act should be made as rarely as possible. Good idea to have entities keep records to verify compliance.

28. As noted above we feel that both producers and providers share a responsibility for complying with closed captioning requirements. A joint responsibility would also reduce costs for both and thus increase what is readily achievable.

29. We feel this is the best option.

41. As noted above we feel this transition period is far too long. One would hope that all new programming could be closed captioned after two years.

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42. News, documentary, public affairs and certainly emergency information must be captioned first.

44. Yes the percentage requirements should effect each program service or channel. Again, we support shared responsibility. It is often hard to apportion responsibility so both provider and producer must be responsible.

45. We feel the percentage requirement should be met each day on each channel.

47. Certainly providers should transmit all previously captioned material with captions regardless of whether or not they have met the requirements. Edited programming that has been captioned should be required to be shown with captions.

48. While we do not want to impede technology, we must also be sure that there is no slow down in captioning because of new technology.

49. We feel that if a program service offers more than one program at a time, as many of them as possible should be closed captioned.

50. We feel that your last sentence "bear in mind Congress' intent to provide full accessibility to video programming for persons with hearing disabilities ..." is what must be the controlling factor in these regulations.

54. We agree with the first sentence of this paragraph.

55. We agree with the CATP recommendation.

56. There should be a fairly long time-say seven years during which a high percentage of library material-say in the 75%-80% should be closed captioned.

59. We reject this concept-there must be a deadline set.

60. As noted above, if a number of parties work together it will reduce the costs for each and allow more to be material to be closed captioned.

61. Frequency of use should be one criteria for the development of a time frame-the more frequent the shorter the time frame that should be allowed for closed captioning.

64. Overnight news feeds should certainly be closed captioned. We disagree with HBO's recommendations.

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65. There must be some capacity to close caption local programming.

66. Closed captioning must extend to sports and in particular the Baseball Postseason, Monday Night Football and the Playoffs, the NCAA Men's Basketball Tournament and numerous other events. Note that CBS has closed captioned the last two men's NCAA men's Basketball Tournaments. We must not forget the huge amounts of money here (\$1 billion for a number of years for the NCAA Basketball Tournament and new football and baseball contracts about to be negotiated.)

68. It should be obvious to everyone that weather and emergency broadcasts should be closed captioned. Certainly news should be included in this category.

70. Your class of exemptions should be as narrow as possible.

71. Certainly the size of the budget should be a factor to be used in determining exemptions.

72. This is a complex question-our country is truly a melting pot. In some areas of the country there are large populations of people who don't speak English. We agree there should be an exception for nonLatin based alphabets. In areas where there are large nonEnglish speaking populations there must be provisions of closed captioning of at least "essential" news and information programming.

73. Textual material should not have to be closed captioned.

74. There is much cable access programming that should be closed captioned. However, such a requirement may produce an undue burden. Perhaps very large cable companies should be responsible for some of the costs of closed captioning.

75. We agree that there should not be a general exemption for this category.

76. If nationally produced instructional programming is prerecorded to be shown several times, it should be closed captioned. As to local instructional programming, perhaps some large cable companies should help pay some of the costs of closed captions.

77. Certainly national advertising should be closed captioned. Perhaps as closed captioning requirements are phased in, local advertising could become closed captioned.

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78. We agree with your position here.

79. Your position seems to be reasonable.

80. National Political advertising must be closed captioned. As to local political advertising, if there is another way of providing this information it could be exempt from closed captioning.

81. We agree with this exception and agree that periodic textual graphics should be included.

82. We agree with your comments on music videos. If lyrics are important to the enjoyment of a show they should be closed captioned. It is a good idea to require repeat broadcasts to be closed captioned.

83. We agree with your position here.

84. There may have to be an exemption for some local sports programming and information could be presented in a textual form.

85. We agree with this.

87-88. This should be a very limited exemption-as much material as possible, should be closed captioned.

91. Again, when considering exemptions let me draw an analogy using the Americans with Disabilities Act (ADA). When considering, for an example if a local MacDonald's must meet certain requirements, you consider the resources of the whole chain-not just the one local restaurant. Thus, here we must consider the resources of large cable companies, networks and production companies must be considered.

92. See 91

96. We feel that the ADA standard is relevant and should be used. After reading footnote 186, we still feel that the ADA rules should apply.

97. This would appear to be reasonable.

101. Program producers and syndicators and program providers and owners should not be permitted to seek exemptions. The fewer parties that have access to the exemption process the better.

102. Excellent idea to limit the time period on exemptions.

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108. It would appear reasonable to apply some credentials for real time captioning.

110. Well written

116. We agree

118. Your decision not to impose standards now but rather watch the situation and impose them if necessary appears reasonable.

121. Your position is reasonable in that it will lead to the captioning of material that might not otherwise be closed captioned. Yes this issue should be revisited during the implementation period.

122. Good to use the existing process for at least awhile. It would be reasonable to expect more than one complaint.

123. Good idea

124. Compliance files should be required.

Thank you for the opportunity to comment.

Sincerely,



David Eichenauer
Legislative Specialist

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